

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

COMAIR, INC,

Defendant.

CASE NO. 1:05-CV-0601

Honorable Richard Alan Enslin

CONSENT DECREE

1. Plaintiff, the United States Equal Employment Opportunity Commission (the "Commission") commenced this action in September 2005 in the United States District Court for the Western District of Michigan, Southern Division, alleging that the Defendant, Comair, Inc. ("Comair") failed to hire Charging Party Christopher Peart ("Peart") because of his religion, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e, *et seq.*

2. As a result of settlement discussions, the Commission and Comair have resolved their differences and have agreed that this action should be settled by entry of this Consent Decree. It is the intent of the parties that this Consent Decree be a final and binding settlement in full disposition of any and all claims alleged or which could have been alleged in the complaint against Comair or in the Charge of Discrimination filed by Peart, Charge No. 230-2004-01771.

3. It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: 1) the Court has jurisdiction over the parties and the subject matter of this action; 2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of this Consent Decree; and 3) this Consent Decree resolves all matters in controversy between the parties as provided in the paragraphs below.

MONETARY RELIEF

4. Comair agrees to pay monetary relief to Christopher Peart in the amount of \$21,366.80, in payment for post-petition bankruptcy wage claims plus interest and the waiver of all pre-petition bankruptcy claims. Comair shall issue a 1099 form for this amount in the ordinary course of business. The funds shall be paid in one lump sum and mailed via certified mail to Peart's home address at: 371 Timbertrail Drive, Holland, MI 49424. Payment shall be made within fourteen (14) days after the Court has entered this Decree. A copy of the check shall be sent to Laurie Young, Regional Attorney, care of Trina Mengesha, Senior Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, MI 48226.

NON-DISCRIMINATION

5. Comair, its officers, agents, employees, successors, assigns and all persons in active concert or participation with them or any of them shall comply with the provisions of Title VII, 42 U.S.C. § 2000e et seq., with regard to its prohibitions against retaliation for engaging in protected activity.

NON-RETALIATION

6. Comair shall not take any action against any person which constitutes intimidation, retaliation, harassment, or interference with the exercise of such person's rights under Title VII

because of the filing of the Charge of Discrimination by Christopher Peart, which forms the basis for the present case, or because such person gave testimony or assistance or participated in any manner in any investigation or proceeding in connection with this case under Title VII.

TRAINING AND REPORT OF TRAINING

7. Comair agrees to train its customer service managers, supervisors and human resource personnel involved in the hiring process on the requirements of Title VII, including the provisions on religious discrimination and accommodation. This training shall be provided for all employees involved in the hiring process within six (6) months of entry of this decree. For any new customer service managers, supervisors, and human resource personnel involved in the hiring process hired after the initial training has been conducted, Comair will train those employees within six (6) months from date of hire. Comair will report to the EEOC its efforts to train employees under this decree. Comair will provide lists indicating the dates of training and names of persons trained.

POSTING OF NOTICE

8. Comair agrees that it shall post a copy of the Notice attached as Exhibit A. The notice shall be posted for three (3) years from the date the Consent Decree is entered by the Court. Should the posted notice become defaced, marred or otherwise made unreadable, Comair agrees to post a readable copy of the notice as soon as practical thereafter.

DURATION

9. This Consent Decree shall remain in effect for three (3) years from the date it is entered, and the Court shall retain jurisdiction of this action during the duration of this Decree to enforce compliance with the Decree.

REPORTING

10. When any provision of this decree requires Defendant to submit reports to the EEOC, the reports shall be submitted to: Laurie Young, Regional Attorney, EEOC, Indianapolis District Office, 101 W. Ohio, Suite 1900, Indianapolis, IN 46204. The reporting obligations under this paragraph shall cease after the Defendant submits the report due on or about the third year anniversary of the entry of this decree.

DISPUTE RESOLUTION AND COMPLIANCE

11. The Court shall have all available equitable powers, including injunctive relief, to enforce this Decree. Upon motion of any party, the Court may schedule a hearing for the purpose of reviewing any party's compliance with this Decree and/or ordering appropriate relief to determine whether the parties have complied with the terms of this Decree. Prior to seeking review by the Court, the parties shall engage in a good faith effort to resolve any dispute concerning compliance with the Decree. Any party seeking court review of a matter shall be required to give ten (10) days notice to the other party before moving for such review.

COURT COSTS AND ATTORNEY FEES

12. Each party shall bear its own court costs and attorney fees.

MISCELLANEOUS

13. If any provision(s) of this Agreement is found to be unlawful, only the specific provision(s) in question shall be affected and the other provisions will remain in full force and effect.

14. The terms of this Decree shall be binding upon the present and future owners, officers, directors, employees, creditors, agents, trustees, administrators, successors,

representatives, and assigns of Comair.

15. This Agreement constitutes the entire agreement and commitments of the parties. Any modifications to this Decree must be mutually agreed upon and memorialized in a writing signed by Comair and the Commission.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

LAURIE YOUNG
Regional Attorney

/s/ Trina Mengesha

Trina R. Mengesha (P59458)
EEOC
477 Michigan, Room 865
Detroit, MI 48226

IT IS SO ORDERED:

Dated: November 14, 2006

COMAIR, INC.

Keating Muthing Klekamp

/s/ Paul Dorger, with permission

Paul Dorger
Yvette Simpson
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

/s/ Richard Alan Enslin
Honorable Richard Alan Enslin

EXHIBIT A

NOTICE TO ALL EMPLOYEES

This Notice is being posted as a result of a Consent Decree entered in a lawsuit brought by the EEOC against Comair, Inc. to inform you of your rights guaranteed by federal law under Title VII of the Civil Rights Act of 1964, 42 U.S. C. § 2000e *et. seq.* ("Title VII"). Title VII prohibits discrimination against any employee on the basis of sex, race, color, religion, or national origin with regard to any term or condition of employment including hiring, layoff, recall, promotion, discharge, pay and fringe benefits or as a result of retaliation for the exercise of protected rights or opposition to unlawful employment practices.

The United States Equal Employment Opportunity Commission is the federal agency which investigates charges of unlawful employment discrimination and, if necessary, files lawsuits in federal court to enforce the anti-discrimination provisions of Title VII. Any employee who believes that he/she is the victim of discrimination or retaliation has the legal right to file a charge of discrimination with the U.S. Equal Employment Opportunity Commission.

Comair supports and will comply with this federal law in all respects. Comair will not take any action against any employees because they have exercised their rights under Title VII.

Dated

Comair, Inc.

